

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - DAYTON**

**In The Matter Of**

**Shawn Anderson  
Leva Anderson**

**Debtors**

**Chapter 7**

**Case No. 19-31234**

**Judge: GUY R. HUMPHREY**

**MOTION FOR RELIEF FROM STAY/  
744 MAPLEWOOD LN, MASON, OH  
45040**

Secured Creditor, The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Nationstar Home Equity Loan Trust 2006-B (hereinafter, "Movant") hereby moves this Court pursuant to 11 U.S.C. 362(d) and Rules 4001, 9013, and 9014 of the Rules of Bankruptcy Procedure & Local Bankruptcy Rules 4001-1, 9013-1 and 9013-3 for an Order modifying the automatic stay provided under 11 U.S.C. 362(a) in order to permit Movant to commence a foreclosure action in State Court against debtor and/or to otherwise enforce its lien rights against the property. The grounds upon which this Motion is made are set forth in the Memorandum in Support attached hereto.

Respectfully submitted,

**/s/ Christopher P. Kennedy**

Carlisle, McNellie, Rini, Kramer & Ulrich  
Co., L.P.A.

By: Phyllis A. Ulrich (0055291)

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Attorneys for Movant:

The Bank of New York Mellon f/k/a The Bank  
of New York as successor in interest to JP  
Morgan Chase Bank, N.A. as Trustee for  
Nationstar Home Equity Loan Trust 2006-B

**MEMORANDUM IN SUPPORT OF MOTION**

In Support of this Motion for Relief from Stay, Movant hereby represents as follows:

1. This Motion is a request for modification of the stay of proceedings against certain property of the debtor, Shawn Anderson and Leva Anderson, (the "Debtors"), pursuant to Section 362(d) of the United States Bankruptcy Code.

2. On April 18, 2019, the Debtors filed a petition seeking relief under Chapter 7 of the Bankruptcy Code.

3. Prior to this bankruptcy, on June 2, 2006, one of the Debtors, Leva Anderson executed and delivered to American Equity Mortgage, Inc., its successors and assigns, a promissory note (the "Note"), a copy of which is attached hereto, marked Exhibit "A". The Note was transferred to Movant as evidenced by the blank Allonge attached to the Note and made a part hereof.

4. As security for the payment of the Note, the Debtors executed and delivered to American Equity Mortgage, Inc., its successors and assigns, a mortgage deed for the real property at 744 Maplewood Ln, Mason, OH 45040 (the "Property"). The complete legal description of the Property is contained in the mortgage, a copy of which is attached hereto as Exhibit "B". The mortgage was delivered to the Recorder of Warren County on June 12, 2006 at 1:31 p.m. and was recorded in Instrument 600448, Page 3, Volume 4214, of the mortgage records of said county and thereby became a good and valid first lien upon the Property. The mortgage was assigned to Nationstar Mortgage LLC as evidenced by the assignment of mortgage attached hereto as Exhibit "C" and made a part hereof. The mortgage was assigned from Nationstar Mortgage LLC to Movant as evidenced by the evidenced by the assignment of mortgage attached hereto as Exhibit "D" and made a part hereof

5. Movant attaches hereto a true and accurate copy of the recorded title deed required by Local Rule as Exhibit "E". Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay, foreclose, approve short sale or execute a Deed in Lieu if necessary.

6. At the time of the Debtors' filing of the Chapter 7 petition, the Debtors owed Movant the sum of \$130,099.75, plus interest at the rate of 5.63% from February 1, 2018, plus late charges as provided for in the mortgage deed described below, plus advances made by Movant for the payment of taxes, assessments, insurance premiums and other costs incurred for the protection of Property securing the Note. The Property is valued at \$124,500.00 according to the Warren County Auditor. Debtors' loan account is contractually due for the March 1, 2018 payment and all

subsequent payments, late charges and all charges assessable to the loan account of the Debtors. The first payment default for this loan was March 1, 2018. The Property may also be encumbered by a mortgage in favor of The Huntington National Bank in the original amount of \$19,393.24. The Property is also encumbered by a judgment lien in favor of Capital One Bank in the amount of \$2,880.31.

7. Movant is desirous of commencing an action in state court in foreclosure to enforce its rights under the "cause" provision of Section 362(d)(1) of the Bankruptcy Code because Movant does not have adequate protection of its interest in the Property.

8. For the reasons stated herein, Movant respectfully requests that this Court order that the automatic stay of proceedings under Section 362(a) of the Bankruptcy Code be modified to permit it to commence a foreclosure action in state court and/or to otherwise enforce its lien rights against the Property.

9. Movant further requests that this Court provide an opportunity for hearing upon this Motion in accordance with law.

10. Movant further requests that notwithstanding the provisions of 4001(a)(3) of the Federal Rules of Bankruptcy Procedure, that the relief from stay not be stayed for 14 days, but shall become effective immediately.

11. This request for relief from the automatic stay by Movant does not seek to affect the right of the Chapter 7 Trustee with relation to the estate's interest in the Property securing the debt owed to Movant.

12. Movant attaches hereto the worksheet required by Local Rule as Exhibit "F".

Date: April 29, 2019

Respectfully submitted,

/s/ Christopher P. Kennedy

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Co., L.P.A.

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Morgan Chase Bank, N.A. as Trustee for  
Nationstar Home Equity Loan Trust 2006-B

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Relief was served (I) **electronically** on the date of filing through the Court's ECF System on:

Mitchell W. Allen, on behalf of Shawn Anderson and Leva Anderson, Debtors, at  
mitchell@allenlawco.com

John G. Jansing, on behalf of the Chapter 7 Trustee's office at jansingj@altickcorwin.com  
Office of the United States Trustee, at ustpregion09.cb.ecf@usdoj.gov

and (ii) by **ordinary U.S. Mail** on April 29, 2019 addressed to:

Shawn Anderson and Leva Anderson, Debtor, 416 Summit Ridge Place #214, Longwood,  
FL 32779

The Huntington National Bank, 5555 Cleveland Ave (GW1N10), Columbus, OH 43231

Capital One Bank (USA) NA, 100 Shockoe Slip, 2<sup>nd</sup> Floor, Richmond, VA 23219

Synchrony Bank c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA  
23541

**/s/ Christopher P. Kennedy**

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